

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14 CV 07**

DIAMOND FALLS ESTATES, LLC,)	
SHIRLEY M. BUAFO and CHARLES K.)	
BUAFO,)	
)	
Plaintiffs/Counter-Defendants)	
)	
v)	
)	
NANTAHALA BANK & TRUST COMPANY,)	
STEVE E. GRAVETT, EXCELL PARTNERS,)	
LLC, and JOHN/JANE DOES,)	
)	
Defendants/Counter-Plaintiffs.)	

ORDER

THIS MATTER is before the undersigned pursuant to a Motion For Reconsideration and for Extension of Time to Object (#29) filed by the Defendants. In the motion, the Defendants requests three forms of relief; (1) that the Court reconsider the entry of an Order (#28) granting an extension of time for the filing of expert reports; (2) extend the time to file such objections as may be filed by the Defendants to the Order; and (3) the Defendants requests “that the Court expedite briefing and decision of this motion by shortening the Defendants’ time to file any response memorandum to seven days, or June 11”. A reading of the motion and the supporting brief does not show that the Defendants have complied with LCvR 7.1(B). That rule states as follows:

LCvR 7.1(B)

(B) Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding. Consultation is not required where the moving party is represented and the non-moving party is unrepresented, or where the motion is for an extension of time to file a responsive pleading to complaint, counterclaim, crossclaim, or any other initial petition for relief.

As a result of the non-compliance by the Defendants with this Local Rule, the motion of Defendants will be denied without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that the Motion for Reconsideration and For Extension of Time to Object (#29) is **DENIED** without prejudice. Should Defendants' counsel choose to again file such a motion, then Defendants' counsel must, in such pleading, show compliance with the Local Rules of Civil Procedure and further certify that all attorneys for the Defendants have read the Local Rules of Civil Procedure for the Western District of North Carolina in their entirety.

Signed: June 6, 2014

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

